



COPY OF PAPERS
ORIGINALLY FILED

PATENTS

Attorney's Docket No. 38867/240561

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: *Fenderson et al.*
Appl. No.: 09/990,570
Filed: November 21, 2001
For: HERBICIDAL COMPOSITIONS
COMPRISING DIMETHENAMID

Confirmation No.: 2661
Group Art Unit: *(Not Yet Assigned)*
Examiner: *(Not Yet Assigned)*

Commissioner for Patents
Washington, DC 20231

**DECLARATION OF ELISABETH HEISTRACHER
IN SUPPORT OF FILING ON BEHALF OF A NONSIGNING INVENTOR
UNDER 37 CFR §1.47(a)**

Sir:

I, Elisabeth Heistracher, do hereby declare and say as follows:

1. I am an employee of BASF AG, assignee of U.S. Patent No. 5,990,046 issued November 23, 1999, and pending Reissue Application Serial No. 09/990,570 filed November 21, 2001.

2. This Declaration is presented to establish the pertinent facts under 37 CFR §1.47(a) that demonstrate that Walter van Loocke, a joint inventor, refuses to join in the present reissue application or cannot be found after diligent effort.

3. The last known mailing address for Walter van Loocke is Heerweg 10, 8377 Meetkerken Belgium.

4. I, Elisabeth Heistracher, attempted to obtain Walter van Loocke's signature on the Reissue Application Declaration for the above-referenced reissue patent application between February 18, 2002 and June 24, 2002. However, despite these attempts, I have been unable to obtain his signature because of his refusal to sign the declaration.

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5. On February 18, 2002, I telephoned Walter van Loocke at 0032-478843739 to inform him that signature documents for this application and a copy of U.S. Patent No. 5,990,046 would be mailed to him at the last known mailing address listed above via courier service. Mr. van Loocke told me he would accept the documents.

6. On March 25, 2002, I telephoned Walter van Loocke at the above telephone number, reminding Mr. van Loocke to sign and return the above-mentioned documents.

7. On April 5, 2002, I participated in a telephone conference with Rik Crivits, an attorney at Crivits & Persyn, a law firm consulted by Walter van Loocke. Rik Crivits told me that he would advise Walter van Loocke to sign the documents. The telephone number for Crivits & Persyn is 0032-338291.

8. On April 5, 2002, I contacted Walter van Loocke by phone and reminded Mr. van Loocke to sign and return the above-mentioned documents.

9. On April 29, 2002, I participated in a telephone conference with Annick Alders, an attorney at Crivits & Persyn, and Ms. Alders told me that Crivits & Persyn had advised Walter van Loocke to sign the documents. Ms. Alders further told me that she would remind Walter van Loocke to sign the documents.

10. On May 13, 2002, I participated in a second telephone conversation with Annick Alders, and she told me that Walter van Loocke would sign the documents and return them to BASF AG.

11. Between May 24, 2002 and June 24, 2002, I made another attempt to telephone Walter van Loocke, but Mr. van Loocke refused to speak to me.

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As demonstrated by the above facts, I have made diligent efforts to have Walter van Loocke sign the Reissue Application Declaration and I forwarded the Declaration along with a copy of U.S. Patent No. 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 to Walter van Loocke to his last known address to meet the filing requirements for this application. I have, however, been unsuccessful in obtaining the signature of Walter van Loocke.

Elisabeth Heistracher
Elisabeth Heistracher

August 09, 02
Date

23 AUG-2002

Received 08/23/2002 09:01AM in 04:26 on line [2] for 40ALSTON * Pg 8/15
15:05 BASF AG GUX/P C6

+49 621 6048821 S.08/15



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Group Art Unit: (Not Yet Assigned)
Examiner: (Not Yet Assigned)

Commissioner for Patents
Washington, DC 20231

**DECLARATION OF BEATE BELGRAVER
IN SUPPORT OF FILING ON BEHALF OF A NONSIGNING INVENTOR
UNDER 37 CFR §1.47(a)**

Sir:

I, Beate Belgraver, do hereby declare and say as follows:

1. I am an employee of BASF AG, assignee of U.S. Patent No. 5,990,046 issued November 23, 1999, and pending Reissue Application Serial No. 09/990,570 filed November 21, 2001.

2. This Declaration is presented to establish the pertinent facts under 37 CFR §1.47(a) that demonstrate that Walter van Loocke, a joint inventor, refuses to join in the present reissue application or cannot be found after diligent effort.

3. The last known address for Walter van Loocke is Heerweg 10, 8377 Meetkerken, Belgium.

4. I, Beate Belgraver, attempted to obtain Walter van Loocke's signature on the Reissue Application Declaration for the above referenced reissue patent application between February 20, 2002 and May 24, 2002. However, despite these attempts, I have been unable to obtain his signature because of his refusal to sign the declaration.

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Filed: November 21, 2001
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5. On February 20, 2002, I sent signature documents for this application and a copy of U.S. Patent No. 5,990,046 to Walter van Loocke's last known address at Heerweg 10, 8377 Meetkerken, Belgium, by courier service. A copy of the correspondence is attached as Exhibit A. Mr. van Loocke made no reply to this initial request.

6. On April 2, 2002, I received a letter from Mr. Chris Persyn an attorney with the law firm of Crivits & Persyn stating that he was representing Walter van Loocke with respect to the reissue declaration. The letter verified that Walter van Loocke had received the signature documents mailed on February 20, 2002. A copy of the correspondence is attached as Exhibit B.

7. On April 19, 2002, signature documents for this application were again sent to Walter van Loocke's last known address at Heerweg 10, 8377 Meetkerken, Belgium by courier service. A copy of the correspondence is attached as Exhibit C.

8. On April 25, 2002, Walter van Loocke returned the letter of April 19, 2002 and signature documents accompanying the letter without a signature or an explanation for the return. A copy of the correspondence is attached as Exhibit D.

9. On May 24, 2002, signature documents for this application were again sent to Walter van Loocke's home address at Heerweg 10, 8377 Meetkerken, Belgium by courier service. A copy of the correspondence is attached as Exhibit E. Mr. van Loocke made no reply to this request.

As demonstrated by the above facts, I have made diligent efforts to have Walter van Loocke sign the Reissue Application Declaration and have forwarded a Declaration along with a copy of U.S. Patent No 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 to Walter van Loocke to his last known address to meet the filing requirements for this

In re: Fenderson *et al.*
Appl. No.: 09/890,570
Filed: November 21, 2001
Page 3 of 3

application. I have, however, been unsuccessful in obtaining the signature of Walter van
Loocke.

Beate Belgraver
Beate Belgraver

August 07, 02
Date

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Patente, Marken und Lizenzen
Patents, Trademarks and Licenses

Mr. Walter van Loocke
Heerweg, 10
8377 Meetkerken

Belgium

February 20, 2001

GVX/A - C 6

Mrs. Belgraver

FAX: ++49/621/60-52538

e-mail:

beate.1.belgraver@basf-ag.de

Docket Number 38867.240561

"HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID"

Dear Mr. van Loocke,

Regarding to your telephone call of February 18, 2002 with Dr. Heistracher we are sending you herewith the Reissue Declaration for the above mentioned patent application.

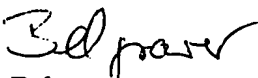
We would ask you to sign this document with surname and christian name at the appropriate place in blue ink.

The attached Patent Specification is for your files.

Please send us the document at your earliest convenience by DHL. Our DHL client-no. is: 960300464. If you state this number, the document shipment costs will be borne by BASF AG, Ludwigshafen.

We thank you for your kind assistance in this case.

Very truly yours
BASF Aktiengesellschaft
Patent Department



Belgraver
Encl.

ADVOCATENKANTOOR
CRIVITS & PERSYN

BRUGGE

Patente Marken u. Literatuur

- 4. APR. 2002

image 2.pdf

Bruges, 2nd April 2002

BASF Aktiengesellschaft
Patent Department - Mrs. Belgraver

67056 Ludwigshafen
Deutschland

Dear Madam,

Re : Van Loocke - advies patent
My ref. : 6770/D63
Your ref. : Docket Number 38867.240561*

I was consulted by Mr. Walter van Loocke to look after his interests in the above mentioned matter.

Mr. Van Loocke received your letter of 20th February including the reissue application declaration, in which he was invited to sign this document.

At first we'll examine the case.

May I ask you to inform me whether your company has provided for an allowance for mister Van Loocke in case he signs the document that was sent to him ?

I hope to hear from you soon.

RIK CRIVITS BVBA
CHRIS PERSYN BVBA

ALEX DE VISSCHER
MARC CASTERMANS
BRAM DAERT
SOPHIE ISEBAERT

NATHALIE MORTELE
ANNICK ALDERS

KOMVEST 48
8000 BRUGGE
TEL 050-33 82 91
FAX 050-47 16 59
advocaten@crivits-persyn.be
RAADPLEGING NA AFSpraak

*VOF CRIVITS & PERSYN
ADVOCATENKANTOOR
R.B.V. BRUGGE - NR. 308

Yours faithfully,

Chris PERSYN

in samenwerking met

ADVOCATENKANTOOR
MARK DE VLECHERE

KORTRIJK

Tel. met Rik Crivits 05.04.02

- Mogelijk dat den een Advocaat per kantoorbezoek vergoed is

- en dat den ander Schieders aan Best Advocaat,
als in den veld Office" schieders werden

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Mr. Walter van Loocke
Heerweg, 10
8377 Meetkerken

Belgium

Patente, Marken und Lizenzen
Patents, Trademarks and Licenses
April 19, 2002

GVX/A - C 6
Mrs. Belgraver
FAX: ++49/621/60-52538
e-mail:
beate.01.belgraver@basf-ag.de

Docket Number 38867.240561

Title: "HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID"

Dear Mr. van Loocke,

we would like to remind you of our letter dated February 20, 2002.

With this letter we enclosed a "Reissue Application Declaration by the Inventor" for your signature. Unfortunately we have not yet received it back. We would therefore very much appreciate it if you could return the signed documents to us at your earliest possible convenience. Your signature is required so that we can forward the pertinent documents to the Patent Office.

We look forward to hearing from you soon and remain

Very truly yours,
BASF Aktiengesellschaft
Patent Department

Belgraver

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Mr. Walter van Loocke
Heerweg, 10
8377 Meetkerken

Belgium

Patente, Marken und Lizenzen
Patents, Trademarks and Licenses
April 19, 2002

GVX/A - C 6
Mrs. Belgraver
FAX: ++49/621/60-52538
e-mail:
beate.01.belgraver@basf-ag.de

Docket Number 38867.240561

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We look forward to hearing from you soon and remain

Very truly yours,
BASF Aktiengesellschaft
Patent Department

Belgraver
Belgraver

*received without any
comment of Mr. van Loocke
25.04.02 Bv*

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Mr. Walter Van Loocke
Heerweg, 10
8377 Meetkerken

Belgium

Patente, Marken und Lizenzen
Patents, Trademarks and Licenses

24. Mai 2002

GVX/A - C 6
Mrs. Belgraver
FAX: 0621/60-52538
e-mail: beate.belgraver@basf-ag.de

Docket Number 38867.240561

Title: "HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID"

Dear Mr. Van Loocke,

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We would ask you to sign this document with surname and christian name at the appropriate place in blue ink.

Please send us the documents at your earliest convenience by DHL. Our DHL client-no. is: 960300464. If you state this number, the document shipment costs will be borne by BASF AG, Ludwigshafen.

We thank you for your kind assistance in this case and remain

Very truly yours,
BASF Aktiengesellschaft
Patent Department

Belgraver
Encl.